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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,400	12/30/2003	Frederick Schuessler	40116/03201	7568
30636	7590	10/14/2005	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			BROOKS, MATTHEW L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/748,400	SCHUESSLER, FREDERICK
	<b>Examiner</b>	<b>Art Unit</b>
	Matthew L. Brooks	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. **Claims 10 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. With respect to **Claim 10**, “recipient identifier” is indefinite and not defined within the specification. However for purposes of examination Examiner determined the meaning to be either a code used to identify the recipient and/or merely the recipient’s name.
3. With respect to **Claim 19**, “... include a further code identifying each of a plurality of recipient names which have the same recipient address code.” Has been interpreted by Examiner to mean that a package may be delivered to a different person at the same address. No other special meaning is included within the specification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-24** are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6,394,354 (Knowles).

6. With respect to **Claim 1**: Knowles discloses

A method for providing a user with a personalized shipment system, comprising:

registering a user by obtaining user data (Column 26, lines 60-65 wherein the user is the "shipper" and the shipper is given a unique Shipper Identification Number which Examiner considers to be the same as registering);

associating the user data with a unique user identifier (Column 26, lines 60-65 wherein Examiner interprets the Shipper Identification Number to be equivalent to a "unique user identifier");

generating label data for each of a plurality of labels (Column 26, lines 25-29),

each label including a unique label identifier a machine language (Column 26, lines 25-29);

associating the label identifier with the user identifier in computer database (Column 26, lines 16-20 and also Column 26, 55-68);

receiving an item to be shipped including one of the labels and recipient data including a destination data of the item (Column 26, lines 25-30);

determining whether the destination data is in a machine language (Column 26, 25-30 wherein Knowles discloses creating a label in machine language, inherently at this step Knowles must make a determination whether or not the information is in a computer language);

translating, when the destination data is not in a machine language, the destination data into machine language destination data (Column 26, 25-30);

obtaining the unique label identifier and the machine language destination data from the item using a machine capable of reading the machine language during the shipment of the item (Column 26, 53-67 wherein Examiner considers Knowles's "unique number assigned to each package", line 61 to be equivalent to "unique label identifier" and "destination data" to be equivalent to "Destination Information Field" line 65);

recording in the computer database tracking data based on the machine language unique label identifier and the machine language data (Column 26, 55-60); and

providing the tracking data regarding shipment progress the item response a request referencing at least one of the user identifier and the destination data ((Column 27, 50-62)(Column 5, 53-68) when the bar code is created it contains information such as designation data in it (URL/ZIP Code) (Column 1, 42-48)).

7. With respect to **Claim 2**: Knowles discloses

wherein the machine language unique label identifier and the machine language destination data are stored on the item in form one of a barcode and an RFID tag (Column 26, line 26 and Fig 11B).

8. With respect to **Claim 3**: Knowles discloses

generating, using the label data, the plurality of labels by at least one of the user, postal delivery service and a predetermined third party provider (Column 26, 25-28).

9. With respect to **Claim 4**: Knowles discloses

wherein the tracking data includes time data and location data corresponding to the scanning (Figure 11B, 55L).

10. With respect to **Claim 5**: Knowles discloses wherein the label data is stored in at least one of a barcode and an RFID tag (Column 26, line 26 and Fig 11B).

11. With respect to **Claim 6**: Knowles discloses wherein the machine language destination data includes at least one recipient name and a recipient address code (Column 26, 25-29).

12. With respect to **Claim 7**: Knowles discloses wherein the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code (Column 26, 25-29).

13. With respect to **Claim 8**: Knowles discloses wherein the label data includes optional additional data generated by the user (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent to optional additional data according to Applicant's specification Page 5 [0010] and Column 27, 20-30 wherein Knowles discloses explicitly an Other Information Field).

14. With respect to **Claim 9**: Knowles discloses wherein the label data, the destination data and postage data are stored on the label as a two-dimensional barcode (Fig 13, 57 and Column 26, 25-29).

15. With respect to **Claim 10**: Knowles discloses

associating by the user the recipient address code with a predetermined recipient identifier (Fig 11B 55E and 55D, wherein Examiner considers the "Destination Identification Field" to be equivalent to the recipient identifier).

16. With respect to **Claim 11**: Knowles discloses

wherein the tracking data includes the optional additional data (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent to optional additional data according to Applicant's specification Page 5 [0010] and Column 27, 20-30 wherein Knowles discloses explicitly an Other Information Field and FIG 11B 55G).

17. With respect to **Claim 12**: Knowles discloses

wherein the tracking data includes an arrival date indicative of one an actual date and an estimated date of arrival of the item at the destination (See FIG 11B and Column 27, 12-13 wherein Knowles discloses disclosing the "expected date of deliver" which is the equivalent of the estimated date of arrival).

18. With respect to **Claim 13**: Knowles discloses

A system for providing a user with a personalized shipment system for shipment of an item, comprising:

a first computing arrangement generating label data for each plurality of labels, each label including a unique label identifier in a machine language (Figs 8 and 9 and Column 26, 12-32);

a second computing arrangement including a database and storing user data in the database, the second computing arrangement associating the user

data with a unique user identifier and associating the unique label identifier with the user identifier in the database (Figs 8 and 9 and Column 26, 12-32);

a first shipment processing arrangement receiving an item to be shipped (inherently Knowles must receive an item to be shipped), the item including one of the labels and recipient data including destination data of the item (Column 26, 25-29), the first shipment processing arrangement determining whether the destination data is in a machine language and, when the destination data is not in a machine language, the first shipment processing arrangement translates the destination data into the machine language destination data and marks the item with the machine language destination data (Column 26, 25-29);

a second shipment processing arrangement obtaining the machine language unique label identifier and the machine language destination data from the item during the shipment (Column 28, 34-43), the second shipment processing arrangement recording in the database tracking data based on the association of the label identifier and the destination data (Column 28, 45-50),

wherein the tracking data is provided by the second computing arrangement in response to a request referencing at least one of the user identifier and the destination data (Column 29, 44-51).

19. With respect to **Claim 14**: Knowles discloses

wherein the machine language unique label identifier and the machine language destination data are stored on the item in one of a barcode and an RFID tag, and wherein the first shipment processing arrangement includes at

least one of a barcode reader, a barcode writer, an RFID tag reader and an RFID tag writer (Figs 9, 10, 11, 13 and 14 and Column 26, 25-29).

20. With respect to **Claim 15**: Knowles discloses

a printing arrangement generating the plurality of labels by at least one of the user, a postal delivery service and a predetermined third party provider using the label data (Fig 9, 35 and Column 26, 25-29).

21. With respect to **Claim 16**: Knowles discloses

wherein the printing arrangement includes at least one of a barcode writer and an RFID tag writer (Fig 9, 35 and 37 and Column 26, 25-29).

22. With respect to **Claim 17**: Knowles discloses

wherein the tracking data includes time and location data corresponding to receipt of the item by the second shipment processing arrangement (Fig 11B, 55M-J and Fig 14, A-C).

23. With respect to **Claim 18**: Knowles discloses

wherein the machine language recipient data includes at least one recipient name and a recipient address code (Column 26, 25-29).

24. With respect to **Claim 19**: Knowles discloses

wherein the machine language destination data includes a further code identifying each of a plurality of recipient names which have the same recipient address code (Figure 11B and Column 26, 65-67 wherein Knowles discloses a destination information field which is certainly capable of having a plurality of names which have the same recipient address code).

25. With respect to **Claim 20**: Knowles discloses

wherein the label data includes optional additional data generated by the user (Column 27, 1-12 which discloses Delivery Instructions Field which is equivalent to optional additional data according to Applicant's specification Page 5 [0010] and Column 27, 20-30 wherein Knowles discloses explicitly an Other Information Field).

26. With respect to **Claim 21**: Knowles discloses

wherein the label data, the machine language recipient data and postage data are stored on the label as a two-dimensional barcode (Fig 13, 57 and Column 26, 25-29).

27. With respect to **Claim 22**: Knowles discloses

wherein the user associates the recipient address with a recipient identifier (Column 26, 25-29).

28. With respect to **Claim 23**: Knowles discloses

wherein the machine language recipient data includes a further code indicative of each of a plurality of recipients located at the destination (Figure 11B, 55D and Column 26, 65-67 wherein Knowles discloses a destination information field which the system is certainly capable of having a further code indicative of a plurality of recipients located at the destination because it also has a separate Zip Code field).

29. With respect to **Claim 24**: Knowles discloses

wherein the tracking data includes an arrival date indicative one of an actual date and an estimated date of arrival of the item at the destination (See

FIG 11B and Column 27, 12-13 wherein Knowles discloses disclosing the “expected date of deliver” which is the equivalent of the estimated date of arrival).

***Response to Arguments***

30. Applicant's arguments filed 8/22/05 have been fully considered but they are not persuasive.

31. As to “registering a user by obtaining user data” and “associating the user data with a unique user identifier”, Applicant states that it is possible a particular Shipper Identification Number is always assigned to an anonymous shipper (See Remarks, page 10, paragraph 1).

Examiner turns to Wilz, column 26, 60-65 where it states specifically that a Shipper Identification Number field is there to store an identifying number **assigned to each shipper authorized to ship package.**

Note: Although not argued by Applicant the act of “registering” merely requires to make entry of into a register and by Applicant's own definition only requires “obtaining user data”; which certainly is accomplished taught by Wilz.

32. As to “determining whether the destination data is a machine language” and “translating, when the destination data is not in a machine language, the destination data into a machine language”, Applicant contends the destination data is always created in a machine language and thus no determination or translation is disclosed (See Remarks, page 10, paragraph 2).

Examiner turns to Wilz, Column 26, 12-32 wherein a user enters in

package related information. Then the creation of a machine language label occurs. Applicant ignores the fact that when a shipper enters in package – related information the system makes a *determination* that the human language is not in machine language, *translates* the human language into a machine language, THEN *creates* the label after the determining and translating steps have occurred. Examiner is giving the claims their broadest reasonable interpretation.

33. Perhaps most notably Applicant contends that as to “providing the tracking data regarding shipment progress of the item in response to a request referencing at least one of the user identifier and the destination data” that Wilz does not do so.

Applicant turns to Merriams On-Line Dictionary for a definition of the term referencing:

- 1 : the act of referring or consulting
- 2 : a bearing on a matter : RELATION <in reference to your recent letter>
- 3 : something that refers :
  - a : ALLUSION, MENTION
  - b : something (as a sign or indication) that refers a reader or consulter to another source of information (as a book or passage)
  - c : consultation of sources of information

Wilz discloses and Applicant admits “that computers and internet browsers incorporated within the routing, tracking, and delivery system may access *information fields*” (See Remarks, page 10, paragraph 3). Applicants own admission what Wilz teaches is sufficient to meet the scope of Applicant’s own claim given its broadest reasonable interpretation. In that the accessed information fields the bar code and the URL both reference to the user identifier

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and/or destination data. If Applicant wants the claim to read, as Applicant argues, that the request is made by using only the user identifier or destination data then Applicant is requested to amend the claims as such.

Furthermore, more support for “referencing” either a user identifier or destination data can be found in that Wilz (Column 5, 53-68) when the bar code is created it contains information such as designation data in it (URL/ZIP Code) (Column 1, 42-48); thus when scanning the bar code in Wilz one is requesting tracking data referencing designation data.

34. As to Claim 13, which recites limitation similar to that recited in claim 1, Examiner upholds rejections based upon same reasoning.

***Conclusion***

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent Number 6,600,418 which uses RFID and barcodes for object tracking.

Patent Numbers 6,862,577; 6,772,130; 4,839,813; 5,313,051; 6,047,264; 6,321,992.

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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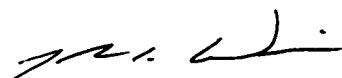
action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB  
10/12/2005

  
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